



DEPARTMENT OF THE NAVY
COMMANDER MILITARY SEALIFT COMMAND
471 EAST C STREET
NORFOLK VA 23511-2419

5720
N00L/
August 4, 2021

Ms. Rose Santos (foia@foia.com)
FOIA Group, Inc.
P.O. Box 368
Depew, NY 14043

Subj: FOIA REQUEST (DON-NAVY-2021-005825)

This responds to your Freedom of Information Act (FOIA) request of April 21, 2021, assigned tracking number DON-NAVY-2021-005825, set forth below:

“Relevant to MILITARY SEALIFT COMMAND (Norfolk) N3220518C2000, we seek CLEARLY RELEASABLE copies of the following: (1) Contract with SOW/PWS, winning proposal and agency source selection decision document (2) bidders list.”

The agency is providing the enclosed responsive documents, redacted pursuant to the following FOIA provisions:

- (1) 5 USC § 552(b)(4), which permits the government to withhold certain non-governmental financial information, including, but not limited to, contractor proprietary information, confidential commercial or financial information, and trade secrets which are privileged or confidential; and
- (2) 5 USC § 552(b)(6), which permits the government to withhold certain identifying information regarding persons other than the requester which would constitute a clearly unwarranted invasion of personal privacy.

The agency is withholding the “winning proposal” pursuant to 5 U.S.C. § 552(b)(3) and 10 U.S.C. § 2305(g). Exemption 3 provides for the withholding of information prohibited from disclosure by another federal statute. Applicable to your request, 10 U.S.C. § 2305(g) prohibits the disclosure of proposals submitted by contractors in response to the requirements of a solicitation for competitive proposal, provided that such proposal is not actually “set forth or incorporated by reference in” the ensuing contract. The contract, enclosed, contains the releasable portions of the “winning proposal.”

The agency is not in possession or control of any “bidders list” for the above solicitation. Please note that the agency is not obligated to create or compile records, or answer questions to satisfy a FOIA request.

In accordance with my determination that you are a commercial requester, your charge is \$48.00. For an itemization of costs, please see the enclosed bill.

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I am the official responsible for the partial denial of your request. I may be contacted at the above address.

You have the right to an appeal. Any appeal must be received within 90 calendar days from the date of this letter. Your appeal must include an explanation of why you believe it should be granted. For ease of processing, you are encouraged to include a copy of your initial request and a copy of this denial letter.

There are two ways to file an appeal—through FOIAonline or by mail.

1. Through FOIAonline. You must set up an account in FOIAonline before you make the request that you would like to appeal. To set up an account, go to FOIAonline (this is a website that will appear as the top hit if you search the internet for “FOIAonline”), click “Create Account” (a link located within the blue banner at the top in the upper right corner), enter your data into the field that subsequently appears, and click “Save” (at the bottom left of the screen). With your account thereby created, you will have the power to file an appeal in FOIAonline to any request you file in FOIAonline thereafter. To do so, locate your request (enter a keyword or the request tracking number in the “Search for” field on the “Search” tab), click on it, then the “Create Appeal” tab in the left-hand column. Complete the subsequent field, click “Save,” and FOIAonline will submit your appeal.
2. By mail. Address your appeal in an envelope marked “Freedom of Information Act Appeal” to:

Office of the General Counsel
Department of the Navy General Counsel
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000

Please also send a copy of your appeal letter to Military Sealift Command, ATTN: FOIA, 471 East C Street, SP-30, Norfolk, VA 23511.

If you have any questions, please contact the Military Sealift Command FOIA Coordinator, Terri Blair, by email at terri.blair@navy.mil or by telephone at (757) 443-2359. You also may contact the Department of the Navy FOIA Public Liaison, Christopher Julka, by email at christopher.a.julka@navy.mil or by telephone at (703) 697-0031. In addition, the Office of Government Information Services (OGIS) provides a voluntary mediation process for resolving disputes between persons making FOIA requests and the Department of the Navy. For more information, go to <https://www.archives.gov/contact>.

Sincerely,



M. K. DeMANE
Initial Denial Authority